THE HONOURABLE SRI JUSTICE L. NARASIMHA REDDY

Writ Petition No. 11001 OF 2006

Dated: 01.06.2006

Between:

1. Thalatam Raghava, S/o Padma Raju, aged 55 years, Occ: Cultivation and others

..... PETITIONERS

AND

1 The Regional Joint Commissioner, Multi Zone-I, Endowments Department, Kakinada, E. G. District and others

Respondents.

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ORDER:

The petitioners state that they are lessees in respect of various extents of land held by Sri Malladi Satyaling Nayakar Charities, an Institution governed by the provisions of Andhra Pradesh Charitable Hindu Religious Institutions and Endowments Act. Consequent upon the amendment to Section 82 of the Act, the petitioners submitted an application before the Assistant Commissioner of Endowments, the second

respondent herein, to recognize them as landless poor. Through order-dated 2.6.2005, the second respondent rejected the claim of the petitioners.

Sri MSN Charities, the third respondent herein issued a notice dated 25.5.2006 proposing to conduct auction of leasehold rights in respect of various items of land. The petitioners challenged the auction notice on various grounds.

Heard the learned counsel for the petitioners and the learned Government Pleader for Endowments.

As of now, the claim of the petitioners for being recognized as landless poor stood rejected by the second respondent. The appeal preferred by them before the first respondent against the order dated 2.6.2005 of the second respondent was dismissed.

By operation of Section 82 of the Act, all leases in respect of agricultural lands held by Endowments Institutions stood cancelled. The leasehold rights in respect of such lands have to be awarded invariably by conducting public auction. In case an existing lessee is recognized as landless poor, he would be entitled to continue as lessee by paying concessional rent. Even to ascertain the rent that the property may fetch, auction has to be conducted. The rights of the petitioners can be protected by directing that they can participate in the auction and be continued as lessees, in case they are prepared to pay highest amount that is fetched in the auction subject to the outcome of the appeal preferred by them.

Hence, the Writ Petition is disposed of directing thus:

a. It shall be open to the petitioners to participate in the auction and in case they are prepared to pay the highest amount of the lease that is fetched in the auction, the petitioners shall be entitled to be granted fresh lease subject to there not being any arrears from them.

b. In case the highest bidder is prepared to offer any amount or quantity of grain more, the limited auction between such highest bidder and the petitioners, shall be conducted again and the grant of lease would depend upon the outcome of the same.

L. NARASIMHA REDDY, J

DATED: 01.06.2006

PNB/ka